

Resolution 95-1A

Resolution to Adopt Permit Requirements and Operating Requirements for *Solid Waste Facilities* and Clean Fill Sites for the Boone County Solid Waste Management District

Whereas, the Board of Directors of the Boone County Solid Waste Management District have previously adopted resolutions having the full force of law that regulate certain aspects of collection and disposal of solid waste within the District specifically Resolutions 93-2 and 93-3, which impose final disposal fees and requirements for the registration of haulers, and

Whereas, the Board of Commissioners of Boone County Indiana did previously adopt Ordinance 93-10 that prescribes certain activities relating to solid waste dumping, identifying prohibited activities and the need to obtain proper permits and Ordinance 94-1 which amends the Boone County Zoning Ordinance 1976 as amended by Ordinance 86-1 which allows for the establishment of certain classes of clean fill sites by right in certain zoning districts subject to approval of a license to operate from the Boone County Solid Waste Management District and

Whereas, the Board further desires to clarify and codify the requirements to obtain permits for *solid waste facilities and* clean fill sites as well as the requirements expected for the operation of these facilities.

Now therefore, be it resolved by the Boone County Solid Waste Management District as follows:

Section 1. Purpose: This resolution shall have as its purpose to prescribe certain requirements as they apply to the permitting and operation of ~~a clean fill site~~ *solid waste facilities and clean fill sites* within the Boone County Solid Waste Management District *and to persons wanting to use clean fill* or from the Boone County Highway Department if using material the Highway Department cleans from ditches.

Section 2. Permits: The owner/operator of a *solid waste facility or* clean fill site must obtain a permit from the Boone County Solid Waste Management District.

Section 3: Application:

a.) The application *for a clean fill site* must include the following information:

- a. 1. The name, address and telephone number of the applicant.
- b. 2. The name, address and telephone number of the property owner.

- e. 3. Street address and/or road location of the facility.
- d. 4. The legal description and parcel number of the area of the facility.
- e. 5. Description of the type of operation.
- f. 6. Planned life of the facility
- g. 7. Expected volume of waste per day (in tons or cubic yards).
- h. 8. A USGS topographical quadrangle map or equivalent showing the site.
- i. 9. Proof of proper zoning.
- j. 10. A plot plan, drawn to scale, that depicts the operation, identifies property boundaries and setbacks, shows filling sequences and any other key operational features.

b.) *The application for a solid waste facility must include the following information.*

- 1. *The name, address and telephone number of the applicant.*
- 2. *The name, address and telephone number of the property owner.*
- 3. *Street address and/or road location of the facility.*
- 4. *The legal description and parcel number of the area of the facility.*
- 5. *Description of the type of operation.*
- 6. *Planned life of the facility*
- 7. *A copy of the detailed plans and designs as required by 329 IAC 10, 329 IAC 11, or 329 IAC 12.*
- 8. *A copy of closure and post-closure plans as required by 329 IAC 10, 329 IAC 11, or 329 IAC 12.*
- 9. *Documents necessary to establish ownership or other tenancy of, including an option to purchase, the real estate upon which the facility to be permitted is located. This shall include a recorded copy of the deed to the subject real-estate showing ownership in the person identified as the owner in the application or, said deed and evidence satisfactory to the commissioner that ownership will be transferred to said owner prior to operation of the facility.*

c.) *The completed application for a long-term clean fill site or solid waste facility shall be submitted in triplicate to the offices of the Boone County Solid Waste Management District by mail or in person. One copy will be made available at the Boone County Solid Waste Management District offices for public review, one copy will be placed with the Boone County Health Department for public review and one copy will be placed with the Boone County Area Plan Commission for public review.*

d.) *Complete applications must be submitted at least 60 days in advance of the meeting at which the applicant wishes them to be considered. Boone County Solid Waste Management District Board meeting dates are the 2nd Wednesday of January, March, May, July, September, November.*

- e.) *The Administrator of the Boone County Solid Waste Management District will prepare a draft permit for review and discussion at the appropriate Board meeting.*
- f.) *The Boone County Solid Waste Management District Board will hold a public hearing on the proposed facility. The purpose of the hearing is to receive comments from the public regarding the proposed operation. The public hearing will be held just prior to and in conjunction with a regularly scheduled Board meeting. As a general rule, the Board will consider action on the proposed facility at the Board meeting that immediately follows the public hearing.*
- g.) *Notice of the public hearing will be published in newspapers of general circulation within Boone County, at least 10 calendar days prior to the hearing date.*

Section 4: Operation:

- a.) Long term commercial clean fill sites.
 - 1. Must have a sign erected at the entrance with the name of the facility, type of facility, permit number, hours of operation and phone number of the site (if any) or emergency phone number.
 - 2. Must be manned during operating hours.
 - 3. Entrance must be locked after hours to prevent unauthorized dumping (gate, chain or cable).
 - 4. Operator must prevent fugitive dust or litter from blowing off site.
 - 5. May not accept unpermitted waste except for incidental quantities of municipal solid waste that may normally be associated with the personnel involved in the generation of clean fill. "Incidental quantities" is interpreted to mean very small amounts (generally less than 1% of a load, by volume) that personnel at the point of generation may, because of housekeeping practices, discard in a load of clean fill.
 - 6. Clean fill sites must supply waste containers for any unpermitted solid waste that should be unintentionally discarded at the site.
 - 7. Must collect and remit tipping fees to the District pursuant to contract.

b.) Temporary clean fill sites

1. May not accept unpermitted waste except for incidental quantities of municipal solid waste that may normally be associated with the personnel involved in the generation of clean fill. "Incidental quantities" is interpreted to mean very small amounts (generally less than 1% of a load) that personnel at the point of generation may, because of housekeeping practices, discard in a load of clean fill.
2. Clean fill sites must supply waste containers for any unpermitted solid waste that should be unintentionally discarded at the site.
3. Operator must prevent fugitive dust and or litter from blowing off site.

c.) *Solid waste facilities:*

1. *Solid waste facilities must comply with the operating requirements found in 329 IAC 10, 329 IAC 11, or 329 IAC 12 which are expressly incorporated herein and any permit conditions imposed by the Boone County Solid Waste Management Board, and collect District solid waste fees pursuant to contract..*

Section 5: Inspection: The proposed site must be inspected by the District Administrator prior to beginning operations. In addition, the site will be inspected periodically by the District Administrator to assure compliance with these requirements.

Section 6: Restrictions:

- a.) All facilities must comply with Federal, State, local and Boone County Solid Waste Management District regulations and or requirements.
- b.) Sites may not be located within one (1) mile of the incorporated limits of a municipality without written permission of the governmental unit.

Section 7: Reporting: The Owner/operator of a long term clean fill site must maintain records of the volumes accepted and submit them quarterly to the District.

Section 8: Other permit conditions: The owner/operator must comply with any other operational requirement set by the Board upon granting of the permit.

Section 9: Enforcement: Non-compliance with these requirements may result in the denial of the permit application or revocation of the permit and closure. A penalty of up to a maximum of \$500 per day may be assessed to non-payment of district fees or non-compliance with the provisions of this resolution , or Resolution 93-2 or 93-3.

Section 10: Severability: Each section, subsection, sentence, clause and phrase of this resolution is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this resolution to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this resolution.

Resolved and adopted by the Board of Directors of the Boone County Solid Waste Management District on the 9th day of July, 1997.

Board of Directors of the Boone County Solid Waste Management District

By Tom V. Easterday
Tom Easterday, President

By _____
Robert Dull, Vice President

By James H. Acton
James H. Acton, Financial Officer

By Thelma Theobald
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By Garland Ferrell
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By Larry R. Frye
Larry R. Frye

By Kay Geisler
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